

Congress of the United States

Washington, DC 20515

May 2, 2007

The Honorable Nancy Pelosi
Speaker of the House
Washington, DC, 20515

Dear Madame Speaker:

As the House begins negotiations this week with the Senate on H.R. 1 and S. 4, we understand that these negotiations include provisions regarding rail and public transportation security legislation which passed the Senate as part of S. 4 and similar legislation which recently passed the House in the form of H.R. 1401. As you know, the House overwhelmingly adopted an important amendment to H.R. 1401 offered by Committee on Homeland Security Ranking Member Peter King that would provide civil liability protection to individuals who, in good faith, report suspicious activity that could predicate a terrorist attack or other threat to the traveling public.

Since the tragic attacks on 9/11, Federal, State and local agencies have called upon the public to remain vigilant in their daily lives – promoting a “see something, say something” culture. Airports, subways, train stations, and bus systems across the country have all adopted programs encouraging individuals who “see something - say something.” The public has responded, seeking ways to assist the country in this new fight against terrorism.

On November 20, 2006, six individuals boarded US Airways Flight 300, scheduled to depart Minneapolis, Minnesota to Phoenix. While boarding, passengers and flight staff witnessed these six individuals demonstrating suspicious behavior, including not sitting in their assigned seats, but rather sitting in a configuration similar to that used by the hijackers on 9/11; requesting seat belt extenders but not using them; and speaking loudly about Osama bin Laden and the United States’ role in the death of Saddam Hussein. Concerned passengers and airline personnel properly reported this suspicious behavior, and the pilot and the Federal Air Marshall determined that the behavior warranted asking the individuals to leave the plane. When they refused, airport security and law enforcement personnel responded and removed the individuals to investigate whether a true threat existed.

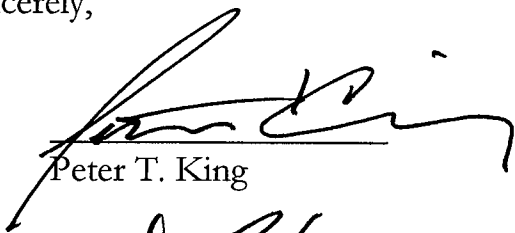
Rather than receiving praise for coming forward to protect the traveling public, the airport and airline personnel and “John Doe” passengers are now confronting a civil lawsuit filed by the six individuals. This represents a startling precedent, one that could freeze the very behavior law enforcement

has encouraged. If we are going to encourage the public to speak up to prevent a terrorist attack, then they must be assured that they will not face the threat of frivolous litigation.

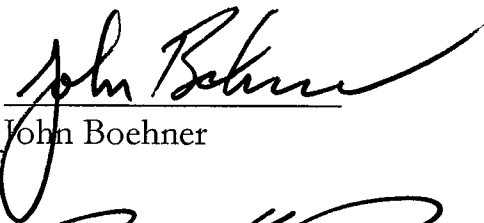
The King Amendment to H.R. 1401, adopted by an overwhelming 304-121 vote, is the first step in reversing this trend by protecting individuals who in good faith report suspicious activity that could result in a terrorist attack against a transportation system. Over three hundred Members of Congress supported this amendment to the legislation - more than supported final passage of the bill. Numerous editorials and articles in USA Today, the Washington Times, the New York Post and the San Francisco Chronicle all have come out in support of the King Amendment in reversing the potentially chilling effect this litigation could have.

In light of the overwhelming support from the American public and House Members, and despite opposition from a majority of House Democrats, we seek your commitment to retain the King Amendment in rail and mass transit security legislation adopted in any conference report for H.R. 1 and S. 4. Your commitment to recognize the vote of more than three hundred Members is particularly important in light of Majority Leader Hoyer's comments that Republican additions to bills can be removed easily in conference committee. We cannot afford to wait any longer to protect individuals who seek to do the right thing by speaking up to prevent a terrorist attack. We look forward to your response and to working with you on this important issue.

Sincerely,



Peter T. King



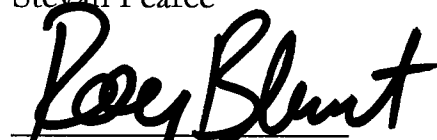
John Boehner



Adam Putnam



Stevan Pearce



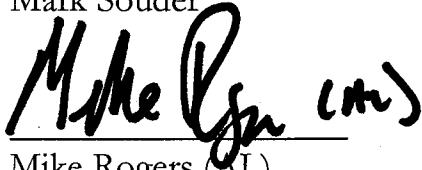
Roy Blunt



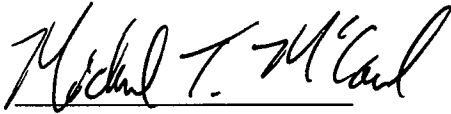
Eric Cantor



Mark Souder



Mike Rogers (AL)



Michael T. McCaul



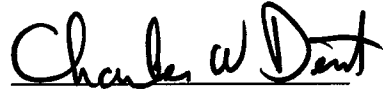
Bill Shuster



Daniel E. Lungren



David Reichert



Charles Dent